

EXHIBIT 10

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RICHARD GORMAN,	:	CIVIL ACTION
	:	
v.	:	
	:	
JOHN C. MONARCH,	:	No.14-0890
WWW.PERFORMOUTSIDER.COM,	:	
KARL F. STEINBORN, JOHN DOE 1,	:	
JOHN DOE 2, and JOHN DOE 3.	:	
	:	

ORDER

AND NOW, this 21st day of May, 2014, upon consideration of Plaintiff Richard A. Gorman's Motion for the Court to Allow Alternative Service by Publication (paper no. 18) and Defendant John Monarch's Response to Plaintiff's Motion (paper no. 19), it appearing that:

- a. Plaintiff brings a single count of defamation against three named (John C. Monarch, www.performoutsider.com, and Karl F. Steinborn) and three unnamed (John Doe Nos. 1-3) defendants. Plaintiff alleges defendants published false statements about him on the website www.performoutsider.com and other online locations.
- b. Plaintiff alleges www.performoutsider.com is a website with a registered address at Toronto, Ontario. Compl. ¶ 12. A website is not a legal entity capable of being sued. *See, e.g., Wine & Canvas Dev., LLC v. Weisser*, 886 F. Supp. 2d 930, 942 (S.D. Ind. 2012); *Righthaven LLC v. Wolf*, 813 F. Supp. 2d 1265, 1266 n.1 (D. Col. 2011). Plaintiff may maintain a suit against an owner or operator of a website.
- c. Counsel are reminded they are to refrain from unprofessional conduct, including the use of impertinent or discourteous remarks about opposing parties or counsel. Counsel are expected to refer to the parties and each other by their surnames and to otherwise abide by the Code of Civility adopted by the Pennsylvania Supreme Court and the Working Rules of Professionalism adopted by the Philadelphia Bar Association. The court may consider sanctions, including reconsideration of motions for admission *pro hac vice*, for pejorative or disrespectful behavior in connection with this action.

It is **ORDERED** that:

1. Plaintiff's Motion to Allow Alternative Service is **DENIED without prejudice**.
2. Defendant www.performoutsider.com is **DISMISSED without prejudice**.

3. Plaintiff is **GRANTED LEAVE** to amend his complaint to name the owner and/or operator of www.performoutsider.com. Plaintiff may file an amended complaint against the owner and/or operator of www.performoutsider.com on or before **July 21, 2014**.

/s/ Norma L. Shapiro

J.